



02/13/06

ITN/AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. AM101333)

<i>In re</i> Patent Application of:)	Appln. No.: 10/796,925
)	Confirmation No.: 3270
WUMIN LI <i>et al.</i>)	Customer No.: 25291
)	Group Art Unit: 1645
Filed: 03/10/2004)	Examiner: Lakia J. Tongue
)	
For: ADJUVANTED BOVINE VACCINES)	

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith for filing in the above-referenced patent application is an Amendment After Final Rejection Pursuant to 37 C.F.R. § 1.116. It is believed that no additional fee is required for the present response.

Thank you for your attention to this matter.

Respectfully submitted,

WYETH

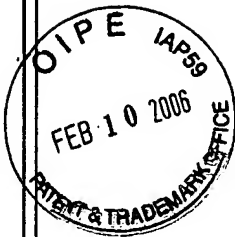
Date: February 10, 2006

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FILING BY EXPRESS MAIL UNDER 37 C.F.R. § 1.10

This correspondence and the accompanying document identified hereinabove are being deposited with the U.S. Postal Service on February 10, 2006 to be delivered by the "Express Mail Post Office to Addressee" service under Mailing Label Number EQ 077675273 US addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Anne M. Rosenblum
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AMENDMENT AFTER FINAL REJECTION PURSUANT TO 37 C.F.R. § 1.116

Dear Sir:

Responsive to the Official action mailed November 10, 2005, please amend the above-referenced patent application using the below instructions and consider the remarks in a favorable light.

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

While Applicants appreciate that they cannot amend the finally rejected claims as a matter of right, they believe that an amendment clarifying the term "subunit" in the claims is necessary to place the application in condition for an immediate allowance or, at the very least, to remove issues for appeal. The amendment is also needed to cancel the non-elected claims.

It is respectfully asked that the Examiner kindly enter the proposed amendment, albeit after a final rejection. Applicants think that their vaccine composition is unique and has not been previously described in the art. Hence, amending the scope of the pending claims did not seem warranted by the Examiner's objections in the first Official action. However, despite feeling that there is no teaching or suggestion in the art of a vaccine containing inactivated or killed whole or subunit *E. coli* O157:H7 in admixture with the metabolizable oil adjuvant taught in the present application, it is now evident in the final rejection that the Examiner's hesitation in allowing the claimed method may be focused on confusion over the "subunit" aspect of the composition. To respond directly thereto, the after final amendment attempts in good faith to indicate that the subunit of the claimed invention embraces the distinctive *E. coli* O157:H7 antigens prepared from the O-specific polysaccharide of *E. coli* O157:H7.

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